

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

REBECCA RODRIGUEZ,

Plaintiff,

v.

CASE NO. 05-73416
HON. LAWRENCE P. ZATKOFF

THOMAS PASSINAULT and
JASON JENKINS,
jointly and severally,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed her Complaint on September 5, 2005. Plaintiff's Complaint contains the following four counts:

Count I	Violation of 42 U.S.C. § 1983
Count II	Assault and Battery
Count III	Intentional Infliction of Emotional Distress
Count IV	Gross Negligence

The Court has subject matter jurisdiction over Plaintiff's federal claim (Count I), because it arises under federal law. *See* 28 U.S.C. § 1331. Counts II through IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867

F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims of Assault and Battery (Count II), Intentional Infliction of Emotional Distress (Count III), and Gross Negligence (Count IV) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claim of Violation of 42 U.S.C. § 1983 (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 15, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 15, 2006.

s/Marie E. Verlinde

Case Manager

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